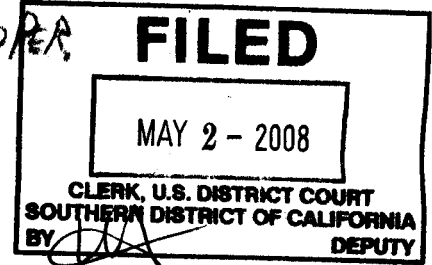


MR. E. W. BURTON # F02720
P.O. BOX 5246 - C9ATF / SP-1-1192
CORCORAN, CA. 93212 IMPROPER



PRISONER'S NAME/NUMBER
Prisoner's Address

Petitioner, in propria persona

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ERIC W. BURTON # F02720

PRISONER'S NAME,

No. 08CV 325

Petitioner,

APPLICATION FOR CERTIFICATE OF
APPEALABILITY FROM DISTRICT
COURT

~~DIRECTOR C.D.C.R.~~

~~WARDEN'S NAME,~~

(Rule 22(b), FRAP; 28 USC § 2253) PURSUANT TO

Respondent.

WILLIAMS V. TAYLOR [20 S.Ct. 1479];
SC. HUP V. DELO (1995) 513 U.S. 298 [155 S.Ct.
851/130 L.Ed. 2d 808].

TO: HON. JUDGE BURNS, U.S. District Judge.

INTRODUCTION

Pursuant to 28 USC § 2253, Rule 22 FRAP, and Ninth Circuit Rule 22-1, Petitioner PRISONER'S NAME (hereafter "Petitioner") hereby requests that the District Court issue a Certificate of Appealability (COA), permitting Petitioner to appeal from the judgment entered by the court on 2-25-08 (date of Judgment), dismissing with prejudice the petition for writ of habeas corpus in the above-entitled matter. Concurrently with this Application, Petitioner has filed a timely Notice of Appeal.

ISSUES ON WHICH CERTIFICATE OF APPEAL IS SOUGHT

1. EACH GROUND AND CONTENTION ALLEGED IN FEDERAL H.C. PETITION (CONSTITUTIONAL CLAIM)
2. INCORRECT PROCEDURAL FACT FINDING OF DISTRICT COURT.

ARGUMENT- REASONABLE JURIST WOULD FIND IT DEBATABLE WHETHER
THE PETITION STATES A VALID CLAIM OF DENIAL OF A CONSTITUTIONAL
RIGHT. REASONABLE JURIST WOULD FIND IT DEBATABLE WHETHER THE
DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL RULING.

TOTAL P.06

MR. ERIC WILTON BURTON #F02720
P.O. BOX 5246 - CSATF/ISA CI-119C
CORCORAN, CA 93212
IN PRO PER

VERIFICATION

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I am the petitioner in this action. All facts alleged in the above document, not otherwise supported by citations to the record, exhibits or other documents, are true of my own personal knowledge.

I declare, under the penalty of perjury, that the above is true and correct and that this declaration was executed on the 27 day of APRIL, 2008.

at ~~Vacaville, California~~ ENOTENB P.O. BOX 5246
CSATF/ISA CI-119C CORCORAN, CA 93212
Eric Wilton Burton #F02720
Petitioner/Declarant
ERIC WILTON BURTON #F02720

5